



Indiana Judicial Nominating Commission
30 South Meridian Street
Suite 500
Indianapolis, IN 46204
(317) 232-4706

APPLICATION
FOR THE
INDIANA SUPREME COURT

(SEE INSTRUCTIONS)

Deadline – Wednesday, June 30, 2010

I. Provide your:

A. Full legal name and any former names.

Sean Michael Clapp

B. Current home and office addresses, including email addresses and telephone numbers.

Home:

Office: CLAPP FERRUCCI
8766 South Street, Suite 220
Fishers, Indiana 46038
(317) 578-9966
sean@seanmclapp.com

C. Date and place of birth.

I was born October 14, 1962, in Gary, Indiana.

D. Complete a State Police release form printed on green paper. Include the release only with the original application and not with the copies.

State Police release form attached as Tab 8 in original application only.

- II. Attach a recent photograph of you to the front of the original application and to each copy of your application.

Picture attached to cover page.

- III. A. State in what county you currently reside and since what date.

Hamilton County since September, 1993

- B. List all previous counties of residence, with dates.

Marion County 1988 until 1993

Monroe County 1985 to 1988 – Indiana University Maurer School of Law

Porter County 1981 to 1985 – Valparaiso University

Lake County 1962 to 1981

- C. When were you admitted to the Indiana Bar?

June 10, 1988

- D. Are you currently on active status?

Yes.

- E. What is your attorney number?

13940-49

- IV. A. List below all colleges and universities you attended other than law schools. Attach a certified transcript from each to the original application and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it before copying.)

School

Dates Enrolled

Degree or Certificate

Valparaiso University

Sept. 1981 to May 1985

**B.A. Political Science
With High Distinction**

Certified transcript attached as Tab 1.

- B. List below all law schools and post-J.D. programs attended. Attach a certified transcript from each to the original application and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it before copying.)

<u>School</u>	<u>Dates Enrolled</u>	<u>Degree and Class Rank</u>
Indiana University Maurer School of Law	Sept. 1985 to May 1988	J.D. Magna Cum Laude

Certified transcript attached as Tab 2.

C. Describe any academic honors, awards, and scholarships you received and when.

Valparaiso University President's Scholarship 1981
Valparaiso University Dean's List: Fall 1981, Spring 1982, Fall 1982, Spring 1983, Fall 1983, and Spring 1984
Alpha Lambda Delta (Freshman Honor Society) 1982
Pi Sigma Alpha (National Political Science Honor Society) 1984
Outstanding Senior Student Award 1985
Mortar Board 1985
Phi Delta Theta Fraternity – served as Treasurer and President

Indiana University Maurer School of Law - Forrest E. Jump Memorial Scholarship 1985-88
Glenn D. Peter's Scholarship 1985
Indiana Law Journal – Editorial Staff 1986-88
Order of the Coif 1988
American Jurisprudence Awards for top grades in Corporations (1986), Trusts and Wills (1987), and Advanced Bankruptcy (1988)

V. A. Provide your employment history since graduation from college, including titles or positions, locations, and dates.

Bose McKinney & Evans - Indianapolis, Indiana - Associate Attorney – June, 1988, until September, 1993.

Johnson Smith Pence Densborn Wright & Heath (“Johnson Smith”) – Indianapolis, Indiana - Associate Attorney - September, 1993, until December, 1995. Partner January, 1996, until October, 2000.

Sullivan Funding Group, Inc. – Indianapolis, Indiana – General Counsel October, 2000, until Fall, 2001.

Sean M. Clapp, LLC d/b/a Clapp Ferrucci – founding member – October 2000 to present. Located in Indianapolis, Indiana, from October, 2000, until June, 2005. Currently located in Fishers, Indiana, since June, 2005.

B. If applicable, describe the nature and extent of your practice of law, present and former, and provide the names of your partners, associates, office mates, and employers.

I began at Bose McKinney & Evans focusing on commercial real estate transactions representing primarily large developers such as Duke Associates, Duke Construction, and their affiliated companies. During that time, I drafted and negotiated contracts and agreements relating to purchases, sales, financing, leasing, construction, and management. I practiced real estate transactions work for approximately three years and transitioned to commercial litigation and construction law in 1991. From 1991 until 1993, I primarily practiced in state court in cases involving commercial disputes, real estate disputes, and construction disputes, but I also gained experience in federal bankruptcy court representing commercial debtors and creditors.

I accepted an associate position at Johnson Smith in 1993, primarily to take advantage of an opportunity to enhance my litigation skills by working on sophisticated federal court litigation. While at Johnson Smith I attended the ten-day NITA Trial seminar at Northwestern University. At Johnson Smith I continued to practice some real estate transactions, but I focused mostly on complex and multi-district litigation, primarily in federal court. The federal cases involved copyright and trademark infringement, anti-trust violations, officers and directors liability, misappropriation of trade secrets, and breaches of commercial contracts. I tried a federal jury trial in front of the Honorable Allen Sharp in Lafayette, and argued an appeal in the Seventh Circuit Court of Appeals. While at Johnson Smith, I also received my first experience arguing at the Indiana Court of Appeals. In the late 1990's I began representing title insurance companies with their Indiana claims cases. The title insurance representation took me all over the State of Indiana litigating in courts from Lake County to Vanderburgh County to Clark County.

While at Johnson Smith I was on the Associates Committee and was heavily involved in recruiting and training the firm's associates. I created an associate orientation program and an associate training program, and I managed the firm's summer associate program. I also served on the firm's Strategic Planning Committee and on the Technology Committee, advising the firm on issues related to planning, budgeting, and evaluating technology needs.

In 2000, I practiced in two capacities, serving as General Counsel to Sullivan Funding Group, Inc. while establishing my own law firm. Sullivan Funding Group, Inc. was a residential real estate investment company, and I primarily handled documentation and litigation regarding

its various properties. After about a year with Sullivan Funding Group, the president and I decided to continue our attorney-client relationship under a more traditional hourly rate basis rather than a salary. In 2003, I hired my first associate and my practice took off. I continued to represent real estate and business clients in state and federal courts; however, I expanded my practice to include corporate formation and representation, estate and succession planning, and creditor representation in bankruptcy. I also developed niche practices in real estate tax law and title insurance claims work. The real estate tax law and title insurance claims work continued to take me to courts all over the State of Indiana. As a result, I have practiced in many Indiana counties, including Lake, Porter, LaPorte, St. Joseph, Elkhart, Steuben, Kosciusko, Marshall, Starke, Allen, White, Warren, Tippecanoe, Miami, Howard, Carroll, Jay, Montgomery, Grant, Randolph, Delaware, Madison, Tipton, Hamilton, Boone, Hendricks, Marion, Hancock, Henry, Wayne, Shelby, Johnson, Morgan, Vigo, Monroe, Franklin, Bartholomew, Jefferson, Clark, Floyd, and Vanderburgh. Since forming my own firm, I have been privileged to be involved in eleven appeals and one petition for transfer. In November, 2009, I had the great privilege of arguing before the Indiana Supreme Court.

As part of my effort to provide cost-effective services, I developed and implemented a "paper-less" filing system, which allows our firm to keep all client files electronically. I have grown the firm to three lawyers and two support staff. My partner, Stephen E. Ferrucci joined me in late 2007, and we officially became co-owners in March, 2009. Our other attorney, Bruce D. Laconi, joined us in September, 2009, after owning his own title insurance company for approximately 18 years. Mr. Laconi currently serves Of Counsel to the firm.

In addition to practicing law, I have been involved in three other business ventures. In 2002, two non-lawyers (Keith Mathews and Thomas Beyrer) and I formed a mortgage broker company and a real estate broker company, both of which we profitably operated until 2007. In 2004 these two gentlemen and I also formed a real estate holding company and built an office building in Fishers. We completed the building in 2005, and we moved our respective businesses into the new building. We continue to occupy half of the building, and rent out the other half.

C. Describe the extent of your jury experience, if any.

I tried one jury trial in federal court in front of Judge Allen Sharp. I have never served as a juror.

D. If applicable, describe the nature and extent of your judicial experience, including a description of your experience presiding over jury trials, if any.

I have never served as a judge.

- VI. A. If applicable, list by caption, case number, and filing date up to five of your trial or appellate briefs and/or written judicial opinions.

***Neu v. Gibson*, Case No. 49 A 02-811-CV-1031 – Appellee’s Petition for Transfer (August 12, 2009), attached as Tab 3.**

***In re Matter of Properties Sold for Delinquent Taxes*, Case No. 24 A 01-0806-CV-00255 – Appellant’s Brief (September 12, 2008), attached as Tab 4.**

***In re the adoption of R.W.L.*, Case No. 84 A 01-0801-EX-0027 - Appellee’s Brief (June 11, 2008), attached as Tab 5.**

***Gibson v. Neu*, Case No. 49 A 02-0608-CV-00680 – Appellant’s Brief (October 27, 2006)**

***Micro Data Base Systems, Inc. v. Dharma Systems, Inc.*, Seventh Circuit Court of Appeals, Case No. 97-3138 – Brief of Defendant-Appellee/Cross-Appellant (December 22, 1997), attached as Tab 6.**

- B. If applicable, list up to five legislative drafts or court rules you have written or to which you contributed significantly. Refer to them by official citation, by date, and by subject matter.

Not applicable.

- C. If applicable, list up to five of your contributions to legal journals or other legal publications. Provide titles, official citations, and a brief description of the subject matter.

Not applicable.

- D. Include with your application copies of any four of the written materials listed above in Section VI. A., B., and C.

Copies of written materials are attached as Tabs 3-6.

- E. Describe the nature and extent of any *pro bono* legal services you have contributed.

I have provided a myriad of *pro bono* legal services in my career. For example:

- **Lutheran Disability Ministries.** In 1987, Lutheran Disability Ministries (“LDM”) was an agency of Lutheran Child and Family Services, Inc (“LCFS”). LDM decided to split from LCFS, and I represented LDM in negotiating the disassociation, including the name, the assets, the restricted funds, and the list of donors.
- **Indianapolis Bar Association’s Ask a Lawyer Program.**
- **I represented a woman with cancer in connection with her real estate investment challenges.**
- **Christ the Savior Lutheran Church (“CTS”).** I represented CTS in connection with its purchase of new church property and the financing and construction of a new church building. I prepared requests and arranged financing for the church’s \$4 million building project; I prepared and negotiated the construction and architect contracts; and I helped administer the project. After the building was completed, I also represented CTS in various warranty disputes with the builder. I have also represented CTS in reorganizing and rewriting its Articles of Incorporation and By-Laws to implement a new governing structure.
- **Estate Planning Packages.** I have donated estate planning services for several silent auctions, the proceeds of which were used to fund mission trips to the Dominican Republic.
- **I recently represented a man in connection with a mortgage foreclosure.** My client spent several years living with and caring for his ill father who owned the home. After my client’s father died, the mortgage company began foreclosure proceedings. I attempted to assist my client in assuming the mortgage and seeking to stop the foreclosure.

F. Identify the five most significant legal matters entrusted to you whether as a judge or lawyer, and describe why you believe them to be so.

In no particular order:

1. Micro Data Base Systems, Inc. v. Dharma Systems, Inc., U. S. District Court for the Northern District of Indiana and the Seventh Circuit Court of Appeals. My client, Dharma Systems, Inc. was a New Hampshire

software development company that did business with a Lafayette company, Micro Data Base Systems, Inc ("MDBS"). This case began when MDBS filed suit in state court in Tippecanoe County seeking a preliminary injunction regarding the use of Dharma's intellectual property. This case was absolutely critical for Dharma. Had MDBS prevailed, Dharma would have been put out of business because its primary asset, its intellectual property, would have been compromised. Dharma contacted us, and we removed the case to federal court. Not only were we successful at defeating the preliminary injunction, we obtained summary judgment that MDBS had in fact misappropriated Dharma's trade secrets. We tried a jury trial on damages, and Dharma prevailed. MDBS appealed, and the Seventh Circuit affirmed.

2. In re Matter of Properties Sold for Delinquent Taxes, Case No. 24 A 01-0806-CV-00255. Kimberly Neace owned two parcels of real estate: her residence and a separate mobile home lot. The two properties were sold at tax sale to two different purchasers. Ms. Neace did not learn about the tax sales until one of the purchasers moved into the mobile home. Notices of tax sales were sent to a Kim Neace at an Ohio address, but Ms. Neace never received notices of the tax sales. Ms. Neace contacted me to defend her due process rights on appeal. She was faced with the prospect of losing her house and her other property if she did not prevail on appeal. Because there were two different properties, two different purchasers, and two different dispositions in the trial court, we had to pursue two separate appeals. We prevailed on both appeals, and the tax sales for both properties were overturned.

3. Appeal of Medicaid Denial for Chalmer Ramsey. Mary and Chalmer Ramsey were my maternal grandparents. My grandfather worked his entire career for the EJ&E Railroad in Gary, Indiana. As a result of their humble living, my grandparents had managed to save a little bit of money that they had intended to support them during their retirement. When my grandfather became ill in 1993, he had to be put in a nursing home. My grandfather applied for Medicaid, but his application was denied because he and my grandmother had "too many" assets. The State's denial required my grandparents to deplete all of their assets before my grandfather would be Medicaid eligible. The State's denial did not consider Federal laws that permitted a non-nursing home spouse to retain assets sufficient to generate a certain level of income. If the denial was not challenged, all of my grandparents' assets would have been quickly depleted, and my grandmother would then not have any money on which to live. I appealed the denial and prevailed on appeal, which allowed my grandmother to keep her assets and her dignity and remain financially independent until she died in 2007.

4. **NMW, Inc. v. Nycon, Inc., U.S. District Court for the Southern District Indiana, Case No: IP97-C-1698-Y/F.** This was a breach of contract action brought by NMW, Inc., an Indiana corporation, against Nycon, Inc., a Rhode Island corporation. The parties had a distribution agreement pursuant to which NMW, Inc. was given exclusive rights to sell a product in Indiana. Under the agreement, Nycon, Inc. was required to sell the product to NMW for a price equal to the price Nycon, Inc. paid for the product plus an administrative mark-up of 0.25%. NMW alleged that Nycon, Inc. was charging NMW significantly more than the agreed price and that Nycon, Inc. was selling the product into adjoining states at a lower price to draw Indiana customers away from NWM. If NMW was not able to sell into its exclusive territory at virtually the same price that Nycon, Inc. sold into the surrounding states, then NMW ran the risk of having its Indiana customers buy from out-of-state suppliers at a cheaper price, thus driving NMW out of business. After almost three years of multi-state litigation, including depositions of the parties, some of the parties' customers, and the manufacturer, the case was settled with a confidential settlement agreement. NMW continues to profitably operate and has expanded its business to other products.

5. **Sale of the Abbitt Family Farm.** Various members of two generations of the Abbitt Family co-owned real estate in Boone County that consisted of farm ground and their respective residences. They had contracted with a developer to sell the real estate, but they had not taken into consideration any tax ramifications or options regarding tax deferred exchanges for other property. The family came to me to restructure and renegotiate the agreements to provide for a 1031 exchange, to allow for tax exemptions for the residence parcels, and to allocate the purchases among the various family members to maximize the tax-deferred nature of the transaction and to allow the family members to pursue their separate investment properties. I also worked with the family to negotiate and close acquisitions of replacement properties, including the 1031 components of those transactions.

G. Provide the names, addresses, and telephone numbers of three attorneys who have been your professional adversaries in your practice or who have litigated substantial cases in your court and who would be in positions to comment on your qualifications for appointment to the Indiana Supreme Court.

1. **Michael J. Alerding, Alerding Castor Hewitt, LLP, 47 South Pennsylvania St., Suite 700, Indianapolis, Indiana. (317) 829-1910.**

2. **Karoline E. Jackson, Barnes & Thornburgh, LLP, 11 South Meridian Street, Indianapolis, Indiana. (317) 231-7492.**

3. **Craig D. Doyle, Doyle Legal Corporation, 41 East Washington Street, Suite 400, Indianapolis, Indiana. (317) 264-5000.**

- VII. A. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) toward the improvement of the law, the legal system, or the administration of justice.

I participated in the Maurer School of Law's Private Practice Externship in 2005, and in 2010 I participated in Hamilton Southeastern's Law and Government Academy program. In each of these programs I had a student shadow me for approximately three months. I taught them about the practice of law, the business of law, client relationships, and practice skills.

- B. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) concerning civic, political, or social issues.

I served as Republican precinct committeeman for a couple of years after law school. From 2002 – 2005 I coached girls' softball for my daughters' teams. In 2009, I was appointed as Chairman of the Strategic Planning Committee for the Town of Fishers. The Strategic Planning Committee met for several months, gathered community input, and authored a ten year strategic plan for the Town that was submitted to the Town Council.

- C. List any memberships and offices you have held in civic or charitable organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

Big Brothers/Big Sisters – 1981-85 – served as “big brother” to a young boy who had no father

Cathedral Arts Mid-Summer Fest Committee – 1991-93 Entertainment Committee Co-chair.

United Way Committee – Account Executive (not sure which year)

Christ the Savior Lutheran Church – Treasurer – 1995-1997

Christ the Savior Lutheran Church – President – 1997-2000

Christ the Savior Lutheran Church – Mission and Vision Team – 2000-2002

Lutheran Disability Ministries –President – 2002-2007

Hamilton County Great Banquet – Community Head Spiritual Director and member of Board of Directors 2008-present

Lutheran Disability Ministries is a non-profit company whose mission is to equip the Church to minister with people who have developmental disabilities.

Hamilton County Great Banquet, Inc. ("HCGB") is a non-profit, non-denominational organization of lay people that puts on weekend Christian retreats for men and women. Through its subsidiary Central Indiana Awakening, HCGB also conducts weekend Christian retreats for high school students.

D. List any memberships and offices you have held in professional organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

**Indianapolis Bar Association – 1988 to present
Indiana State Bar Association – 1988 to present
American Bar Association – 1988 to present
Hamilton County Bar Association – 2005 to present**

I currently serve on the Council for the Business Law Section of the Indiana State Bar Association.

E. List any memberships you hold in social clubs or organizations. If any restrict its membership on the basis of race, sex, religion, or national origin, please describe your efforts within the organization to eliminate restrictions.

I am a member of Christ the Savior Lutheran Church. Other than my college fraternity, Phi Delta Theta, I am not a member of any other social clubs or organizations.

F. Indicate your experience teaching law, and provide the dates, names of institutions or programs, and a description of the subject matter taught.

I wrote the following articles and participated in the following seminar presentations:

- ***Avoiding Litigation: A Subcontractor's Guide to Staying Out of Court*, Indianapolis Business Journal (May 25, 1992);**
- **Basic Real Estate Law in Indiana, National Business Institute seminar, for which I wrote articles entitled *Sales Contracts* and *Real Estate Financing* (1992);**
- ***Public Works Projects, Bidding and Bid Protests*, Indiana Continuing Legal Education (1993), co-author with J. Greg Easter;**
- **Indiana Construction Law: What to do When . . ., Nation Business Institute Seminar, for which I authored articles entitled: *What To Do***

with a Defective Bid; What To Do When it is Time to Sign the Contract; What Do You Do When Contract Performance is Delayed; What Do You Do When the Plans and Specs are Deficient; and What To Do When You Need to Resolve a Dispute (1999); and

- **Mortgage Fraud From A to Z: Battling “For Profit” Schemes, for which I wrote articles entitled *Laws Governing the Mortgage Industry* and *Litigation Strategies and Tactics* (2009).**

G. Describe your hobbies and other leisure activities.

In my free time, I enjoy exercising, reading, writing, attending the arts (including my daughters’ concerts), watching sports (including my daughter’s gymnastic meets, but mostly NFL football), photography, cooking, wine tasting, and playing video games. My wife, _____, and I are very active in the Hamilton County Great Banquet, and we both write and speak for that ministry. I enjoy evenings with friends, and counseling others in life’s challenges. I participate in two men’s accountability groups in which we confess our failings, encourage one another, and hold each other accountable to our beliefs.

VIII. A. Provide names, addresses, and telephone numbers of three professional references other than those listed in Section VI. G.

1. **Stephen E. Ferrucci. CLAPP FERRUCCI, 8776 South Street, Suite 220, Fishers, Indiana, 46038. (317) 578-9966.**
2. **Thomas G. Burroughs. Katz & Korin, 334 North Senate Avenue, Indianapolis, Indiana, 46204. (317) 464-1100.**
3. **Gregg L. Ossip, O.D. Ossip Optometry, P.C., 5455 Harrison Park Lane, Indianapolis, Indiana, 46216 (317) 254-6480.**

B. Provide names, addresses, and telephone numbers of three personal references other than those listed in VI. G.

1. **Reverend M. Joseph Freeman, Christ the Savior Luther Church, 10500 East 126th Street, Fishers, Indiana, 46038. (317) 842-5649.**
2. **Liz Todd, Joy’s House, 2028 Broad Ripple Avenue, Indianapolis, Indiana, 46220. (317) 254-0828.**
3. **Robert C. Carroll, Cine-tal Systems, Inc., 8651 Castle Park Drive, Indianapolis, Indiana, 46256. (317) 576-0091.**

C. List any lawsuits or legal proceedings in any jurisdiction, including bankruptcies and dissolutions, to which you have been a party. Provide dates, case numbers, names of other parties, and, if needed, a brief explanation.

As a former partner, I was a creditor in The Matter of the Agreement Creating Trust for the Benefit of Creditors of Johnson Smith & Heath, Marion County Cause No. 49D08-0111-TR-2735. Johnson Smith & Heath voted to dissolve in May, 2001, and instituted the trust for the benefit of creditors in November, 2001. I filed a claim on April 24, 2002, which was ultimately resolved by settlement agreement on August 20, 2002.

D. If you ever have been arrested or cited for any violation of the law other than for routine traffic violations, provide dates, jurisdictions, and an explanation of the event and its resolution.

In 1984 I was arrested and charged with public intoxication and disorderly conduct. The charges were dropped.

I was a junior in college in the Spring of 1984 at Valparaiso University, Valparaiso, Indiana. I was 21 years old and had recently been elected Phi Delta Theta chapter president for the 1984-85 school year. On a Spring night in either April or May 1984, the police were called to a disturbance at a fraternity house across the street. The Valparaiso City police entered the other fraternity, broke up the party, and arrested under-age drinkers. Many people from the surrounding fraternity houses came out to see the commotion, including members of my fraternity. The police told all the on-lookers to go back in their houses. A couple of my fraternity brothers were standing on our lawn watching the show. The policeman told them to go in, and when they stayed in place, the officer handcuffed my fraternity brothers and put them in the police wagon. I walked up to the same policeman and asked where and when I could pick them up. He did not answer me; he told me to go back in the house. I explained that I did not want any trouble; I just wanted to know when and where I could pick them up. He again did not answer my question and told me to go back in the house. When I tried to ask him again, he handcuffed me and put me in the police wagon.

I was taken to the Valparaiso City jailed and booked on the charges of public intoxication and disorderly conduct. I was given a breathalyzer and was below the legal limit. The charges were eventually dropped without any plea or compromise on my behalf whatsoever.

E. If you are or have been a member of the Bar of any other state, identify the jurisdiction and provide dates.

I have not been a member of the Bar of any other state.

F. If you have been disciplined or cautioned, formally or informally, by the Indiana Supreme Court Disciplinary Commission, by the Indiana Commission on Judicial Qualifications, by the Indiana Supreme Court, or by similar entities in any other jurisdiction, identify each instance by date, case number if applicable, and describe the circumstances and the nature of the outcome or resolution.

I have not ever been disciplined or cautioned, either formally or informally.

G. If you have any outstanding federal, state, or local tax obligations, please itemize and explain.

I do not have any outstanding federal, state, or local tax obligations.

IX. A. Attach a recent statement from your physician describing your general physical condition.

B. Within the past three years, have you been diagnosed or treated for an emotional or mental condition or illness, including any condition that involves treatment for drug or alcohol use? If so, provide the dates of assessment and/or treatment and the names and addresses of your doctors or other treatment providers.

C. Are you able to perform the essential functions of Justice on the Indiana Supreme Court, with or without accommodation?

I believe that my character, scholarship, background, and experience make me more than able to perform the essential functions of Justice on the Indiana Supreme Court.

6-30-10
DATE

Sean M. Clapp
SEAN M. CLAPP

WAIVER AND STATEMENT OF CONSENT

The undersigned applicant authorizes the release to the Indiana Judicial Nominating Commission or its staff or agents any records, reports, and documents, whether or not otherwise confidential, which may be requested by the Commission in the performance of its evaluations of candidates pursuant to I.C. § 33-27-3-2. The scope of this authorization extends to, but is not necessarily limited to, requests from the Commission for Federal, State or local tax records, criminal and driving histories from any jurisdiction, attorney and judicial disciplinary records from any jurisdiction, whether pending or closed, and credit reports and histories. The undersigned releases and discharges the Judicial Nominating Commission, its individual members, its employees, agents and representatives, the Indiana State Police, the Indiana Department of Revenue, the Indiana Supreme Court Disciplinary Commission and any other agency or person or their agents or representatives providing information to the Commission from any and all liability arising from the furnishing and use of information concerning the undersigned applicant.

The undersigned agrees and understands that the Indiana Judicial Nominating Commission or its members, agents, or employees, may interview or otherwise consult with members of the legal, judicial, and general community concerning the professional qualifications and the integrity of the applicant, that the name of the applicant will be released by the Commission upon its receipt of the application and this waiver, and that if, pursuant to I.C. § 33-27-3-2(d), the applicant is given further consideration as a candidate after the Commission's initial screening of candidates, or if no such screening occurs and all applicants are considered, the application will be made public. This waiver does not constitute an election by the applicant pursuant to I.C. § 33-27-3-2(g)(3)(C) to authorize the release of investigatory records which are excepted from public inspection pursuant to I.C. § 33-27-3-2(g)(1) and (2).

The undersigned agrees to immediately supplement this application upon any event or circumstance substantially affecting any answer provided in the application.

The undersigned acknowledges having read the Instructions attached to the application.

The undersigned agrees to resign from office or membership in any political organization upon submission of this application.

The undersigned affirms that, if nominated by the Judicial Nominating Commission to the Governor and thereafter appointed to this judicial office, the candidate will accept the appointment.

6-30-10

DATE


SEAN M. CLAPP